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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,218	09/09/2003	Richard W. Ridgway	OPI 0008 PA/41004.16	2716
7590 06/03/2005			EXAMINER	
DINSMORE & SHOHL LLP			MOONEY, MICHAEL P	
Suite 500			ART UNIT	
One Dayton Centre			2883	
Dayton, OH 45402-2023			PAPER NUMBER	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/658,218	Applicant(s) RIDGWAY ET AL.	
	Examiner Michael P. Mooney	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-68 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

This application contains claims directed to the following nine patentably distinct species of the claimed invention:

Species A, Embodiment 1, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0003] further comprising the electrode configuration per fig. 2A and said Spec. at paragraph [0026].

Species B, Embodiment 1, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0003] further comprising the electrode configuration per fig. 2B and said Spec. at paragraph [0030].

Species C, Embodiment 1, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0003] further comprising the electrode configuration per fig. 2C and said Spec. at paragraph [0029].

Species A, Embodiment 2, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0004] further comprising the electrode configuration per fig. 2A and said Spec. at paragraph [0026].

Species B, Embodiment 2, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0004] further comprising the electrode configuration per fig. 2B and said Spec. at paragraph [0030].

Species C, Embodiment 2, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0004] further comprising the electrode configuration per fig. 2C and said Spec. at paragraph [0029].

Species A, Embodiment 3, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0003] further comprising the electrode configuration per fig. 2A and said Spec. at paragraph [0026].

Species B, Embodiment 3, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0003] further comprising the electrode configuration per fig. 2B and said Spec. at paragraph [0030].

Species C, Embodiment 3, drawn to an electrooptic modulator, as disclosed in the PG Pub. Spec. at paragraph [0003] further comprising the electrode configuration per fig. 2C and said Spec. at paragraph [0029].

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic to all of the claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2883

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-

1562.


Michael P. Mooney
Examiner
Art Unit 2883


Frank G. Font
Supervisory Patent Examiner
Art Unit 2883

FGF/mpm
5/23/05